




MEMORANDUM

TC

Agenda Item No. 1(F)1

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. **DATE:** February 12, 2004
and Members, Board of County Commissioners

FROM: 
George M. Burgess
County Manager

SUBJECT: Application by Excel Transportation, Inc.
d/b/a Excel Jitney for modification of a
Passenger Motor Carrier Certificate of
Transportation

RECOMMENDATION

It is recommended that the Board approve the application of Excel Transportation, Inc. d/b/a Excel Jitney to modify existing Passenger Motor Carrier Certificate of Transportation No. 123, authorized by R-1304-92, and modified by R-259-98, to provide jitney service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, Ordinance 98-123 on September 3, 1998, and Ordinance No. 02-1 on January 29, 2002, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Transportation Committee of the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Committee and the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the Commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

- (4) That, if applying for jitney or fixed route authority, the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami-Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificates of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at average frequencies of twenty-nine minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

ANALYSIS

Yves Polynice, President of Excel Transportation, Inc. d/b/a Excel Jitney, located at 1665 NW 121 Street, Miami, Florida 33167, seeks to modify Passenger Motor Carrier Certificate of Transportation No. 123 to provide expanded jitney service. This is an existing route which has been operated by the applicant since approval was granted by the Board in 1992. The route modification, which is attached, includes an extension from NE 9th Avenue and NE 167th Street to NW 87th Avenue and NW 192nd Street. The Service Planning Division, formerly under the Office of Public Transportation Management (OPTM) and currently under Miami-Dade Transit, determined that the proposed route modification is in compliance with the criteria of Section 31-103 (g) (4) of the Miami-Dade County Code.

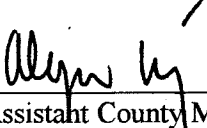
Transportation services will be provided using chauffeur-driven vehicles with a seating capacity of at least nine (9) or more, but no more than 15 passengers, excluding the driver, between the hours 5:00 a.m. and 10:00 p.m., seven days a week. The proposed rates are \$1.25 per person, one way.

The management plan submitted by Mr. Yves Polynice, President of Excel Transportation, Inc. d/b/a Excel Jitney, includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant within five years of the date of the application.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all existing PMC Certificate Holders, and interested parties affording them an opportunity to protest the application. One protest was filed by Ernest Johnson, President of Gray Cab Company d/b/a Sun Jitney, who requested that the applicant revise the route. The applicant did revise the route and the protestant verbally agreed to withdraw the protest. However, the protestant did not withdraw the protest in writing, and the Department proceeded with the administrative hearing on October 24, 2003. The protestant failed to appear and no hearing was

conducted. Under the Code, the protestant has the burden of proof in these instances and he has waived his rights to any further protest against this application.

Attachments



Assistant County Manager

Excel Transportation**Route Description**

Beginning at NW 87 Ave and NW 192 Street. Proceed East on NW 192 Street to NW 82 Avenue. Make right on NW 82 Avenue to NW 186 Street. Make left on NW 186 Street to NW 67 Avenue. Make left on NW 67 Avenue to NW 199 Street. Go east on NW 199 Street to NW 57 Avenue. Make left, going North on NW 57 Avenue to Honey Hill Drive. Make right, going East on Honey Hill Drive to NW 47 Avenue. Turn left on NW 47 Avenue and go North to NE/NW 215 Street. Go east on NE 215 Street to NW 29 Avenue. Make right on NW 29 Avenue. Going south on NW 29 Avenue to NE 211 Street. Going east on NW 211 Street to NW 27 Avenue. Make left on NW 27 Avenue. Going North on NW 27 Avenue to NE 215 Street. Make right on NE 215 Street. Going east on NE 215 Street to NW 7 Avenue. Make right on NW 7 Avenue and go West to Hamlet at Walden Pond (20855 NW 9 CT). Go back North to NW 215 Street and NW 7 Avenue. Make right on NW 215 Street to NE 2 Avenue. Make right on NE 2 Avenue to NE 199 Street. Make left on NE 199 Street and continue East along NE 199 Street to NE 10 Avenue. Make left on NE 10 Avenue to NE 205 Ter. Make right on NE 205 Ter to NE 20 Avenue. Make right on NE 20 Ave to NE 199 Street. Make left on NE 199 Street to NE 22 Ave. Make right on NE 22 Avenue to Miami Gardens Drive (NE 185 Street). Make right on Miami Gardens Drive to NE 15 Street. Make left on NE 15 Avenue to NE 167 Street. Make right on NE 167 Ave to NE 9 Avenue. Make right on NE 9 Avenue 177 Street. Make left on 177 Street to NE 4 Avenue. Make left on NE 4 Avenue to NE 176 Street. Make right on NE 176 Street to NE 3 Avenue. Make left on 3 Avenue to NE 169 Street. Make left on NE 169 Street to NE 3 Court. Make right on NE Court to NE 167 Street. Make right on 167 Street to NE 3 Avenue. Make left on NE 3 Avenue to NE 159 Street. Make right West to NW 2 Avenue. Make left heading South until NW 2 Avenue becomes Memorial Highway. Continue along Memorial Highway heading Southeast to N. Miami Avenue. Make right heading South to NW 146 Street. Make right heading West to NW 2 Avenue. Make left heading South to NW 87 Street. Make left heading East to N. Miami Avenue. Make right heading South to NW 79 Street. Make right heading West to NW 2 Avenue. Make left heading South to NW 20 Street. Make right heading West to NW 3 Avenue. Make left heading South to NW 14 Street. Make right heading South NW 3 Street. Make left heading East to NW 1 Avenue. Make right heading South to NW 2 Street. Make left on NW 2 Street heading East to N. Miami Avenue. Make right on N. Miami Avenue heading South to Flagler Street. Make left on Flagler Street heading East to NE 1 Avenue. From this point route will travel north to the point of origin.

MEMORANDUM

TO: Sheila Rushton, Director
Consumer Services Department

DATE: May 1, 2003

FROM: Danny Alvarez, Executive Director
Office of Public Transportation Management

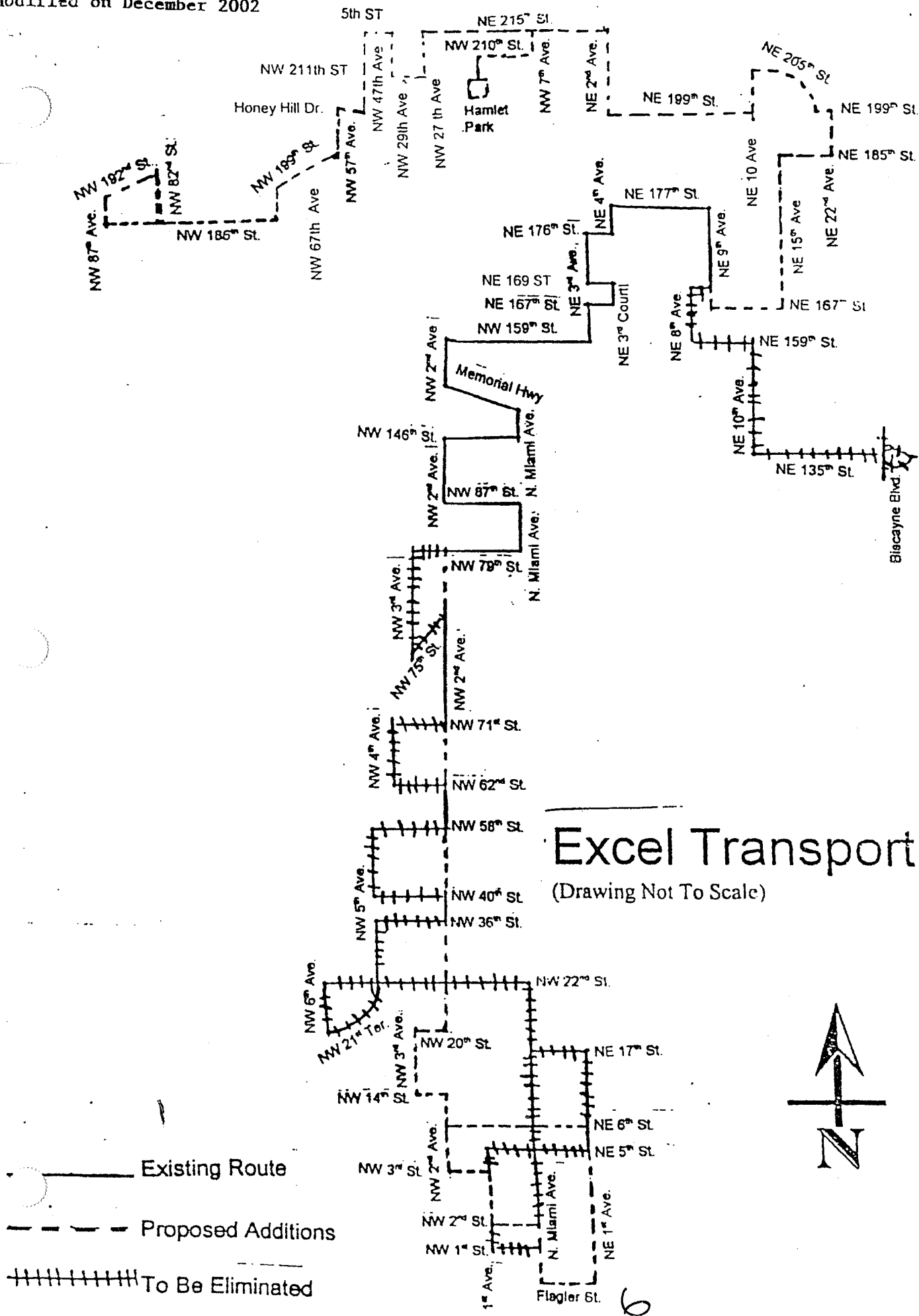
SUBJECT: Jitney Route Review
Excel transportation, Inc.
(PMC Control No. 512)

The Service Planning Division of the Office of Public Transportation Management analyzed the jitney route application of Excel Transportation Inc. in accordance with Section 31-103(g)(4) of the Miami-Dade County Code, as amended by the new Ordinance No. 02.1. relating to Regulation of Passenger Motor Carriers.

Based on the results of the analysis Service Planning Division of the Office of Public Transportation Management (OPTM) has found that the application of Excel Transportation Inc. is in compliance with the criteria established in the Miami-Dade Code, such that it would not adversely affect the existing transportation system as designated in the People Transportation and the most current Transit Development Program (TDP).

Attachments

Cc: Pepe Valdes, Chief of Staff, OPTM
Cathy Grimes Peel, Deputy Director, CSD
Joe Mora, Director, Passenger Transportation Regulatory Division, CSD
Robert Pearsall, Chief of Service Planning, OPTM



EXCEL TRANSPORTATION
ROUTE MILEAGE
(CHANGES MADE ON 10/15/2002)

DESCRIPTION C244	DIST. B. P. (MILES)	CUM. DIST. (MILES)	DUP (MILES)	EXIST. SERVICES
Flagler St & N.E. 1 Ave		0.00	0.00	
N.E. 1 Ave & N.E. 6TH St	0.40	0.40	0.40	T, 9, K, 10
N.W. 6TH ST & N.W. 2 ST	0.30	0.70	0.30	2, 7, 8
N.W. 2 AVE & NW 14 ST	0.60	1.30	0.60	2, N-Owl
NW 14 ST & NW 3 AVE	0.10	1.40	0.10	2, M, N-Owl
N.W. 3 AVE & N.W. 17 ST	0.25	1.65	0.25	2, 21, M
N.W. 3 AVE & 20 ST	0.25	1.90	0.25	2
N.W. 20 ST & N.W 2 AVE	0.10	2.00	0.10	32
N.W. 2 AVE & NW 36 ST	0.90	2.90	0.90	2
N.W. 2 AVE & N.W. 62 ST	1.40	4.30	1.40	2
N.W. 2 AVE & N.W. 79 ST	0.90	5.20	0.90	2
N.W. 79 ST & N. MIAMI AVE	0.20	5.40	0.20	2, L
N. MIAMI AVE & N.W. 87 ST	0.50	5.90	0.50	2, 9, 10
N.W. 87 ST & N.W. 2 AVE	0.20	6.10	0.00	NONE
N.W. 2 AVE & 146 ST	3.8	9.90	0	NONE
N.W 146 ST & N.MIAMI AVE	0.2	10.1	0	NONE
MEM. HWY & 154 ST/NW 2 AVE	0.6	10.7	0	NONE
N.W 2 AVE & N.W 159 ST	0.3	11.0	0	NONE
N.E. 159 ST & N.E. 3 AVE	0.6	11.6	0	NONE
N.E. 3 AVE & N.E. 167 ST	0.5	12.1	0	NONE
N. E. 167 ST & 3 CT	0.1	11.7	0.1	2, 22, E, V
N.E. 3 CT & 169 ST	0.1	11.8	0	NONE
N.E. 169 ST & N.E. 3 Ave	0.1	11.9	0.1	2, 22, E, V
N.E. 3 Ave & 176 St	0.4	12.3	0	NONE
N.E. 176 ST & 4 Ave	0.1	12.4	0	NONE
N.E. 4 Ave & 177 St	0.1	12.5	0.1	83
N.E. 177 ST & 9 Ave	0.6	13.1	0	NONE
N.E. 9 Ave & 167 ST	0.6	13.7	0.6	9
NE 167 ST & NE 15 AVE	0.7	14.4	0.7	2, 83
N.E. 15 AVE & N.E. 171 ST	0.2	14.6	0.2	3, 75, H
N.E. 15 AVE & N.E. 185 ST	0.7	15.3	0.0	75
N.E. 185 ST & N.E. 19 AVE	0.4	15.7	0.4	9, H
N.E. 185 ST & N.E. 22 AVE	0.4	16.1	0.4	9, 91, V
N.E. 22 AVE & N.E. 199 ST	0.8	16.9	0	91
N.E. 199 ST & N.E. 20 AVE	0.2	17.1	0	91
N.E. 20 AVE & N.E. 203 ST	0.2	17.3	0	91
N.E. 205 TER & N.E. 17 AVE	0.4	17.7	0	91
N.E. 205 TER & N.E. 12 AVE	0.7	18.0	0	91

N.E. 205 TER & 10 AVE	0.5	18.5	0	91
N.E. 10 AVE & 199 ST	0.3	18.8	0	91
N.E. 199 ST & N.E. 2 AVE	1.0	19.8	0	91
N.E. 2 AVE & N.E. 215 ST	1.0	20.8	0	91
N.W. 215 ST & N.W. 2 AVE	0.5	21.3	0	91
N.W. 215 ST & N.W. 7 AVE	0.5	21.8	0	91
HAMLET AT WALDEN POND	1.6	23.4	0	91
N.W. 215 ST & N.W. 7 AVE	1.6	25	0	91
N.W. 215 ST & N.W. 17 AVE	0.9	25.9	0	91
N.W. 215 ST & N.W. 27 AVE	1.0	26.9	0	91
N.W. 27 AVE & N.W. 211 ST	0.2	27.1	0	NONE
N.W. 211 ST & N.W. 29 CT	0.2	27.3	0.2	27
N.W. 29 CT & N.W. 215 ST	0.2	27.5	0	NONE
N.W. 215 ST & N.W. 32 AVE	0.2	27.7	0	NONE
N.W. 215 ST & N.W. 37 AVE	0.5	28.2	0	NONE
N.W. 215 ST & N.W. 47 AVE	1.0	29.2	0	NONE
N.W. 47 AVE & N.W. 206 ST	0.3	29.5	0	NONE
N.W. 47 AVE & N.W. 199 ST(HH. DR.	0.9	30.4	0.9	32
HONEY HILL DR. & 57 AVE	1.2	31.6	0	91
N.W. 57 AVE & N.W. 199 ST	0.2	31.8	0	91
N.W. 199 ST & N.W. 67 AVE	0.9	32.7	0	91
N.W. 67 AVE & MIA GDES DR.	0.5	33.2	0	91
MIA. GDNS DR. & N.W. 77 AVE	1.2	34.4	0	91
MIA. GDNS DR. & N.W. 87 AVE	1.0	35.4	0	91
N.W. 87 AVE & N.W. 192 ST	0.3	35.7	0	91

9.60
27%

**Miami-Dade County, Florida
Code Enforcement**

Hearing Officer's Findings of Fact and Conclusions of Law

In Re: Administrative Hearing to Appeal Proposed Route for Excel Jitney

Earnest Johnson, Petitioner

Case No.

Pursuant to the Code of Miami-Dade County and upon request of Mr. Johnson, I conducted a hearing appealing a proposed route for Excel Jitney. Although Mr. Johnson was advised of the date, time, and place of the hearing, he failed to appear.

1. Present at the hearing were:

Leonard Elias, Miami-Dade CSD
Raul Gonzalez, Miami Dade CSD, PTRD, Licensing Section
Yves Polynice, Excel Transportation, Inc.
Armony Dureiger, witness for Mr. Polynice

2. CSD Position

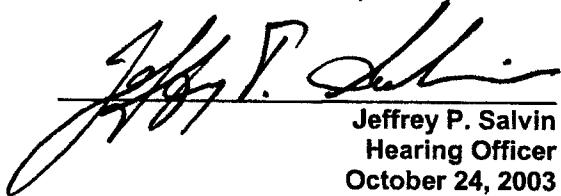
Mr. Johnson, the protester, failed to appear for the hearing. Accordingly, no testimony was required from the County.

3. Findings of Fact

The petitioner failed to appear. No hearing was conducted.

4. Conclusions of Law

Since no appeal was heard, no action or decision is required of the Hearing Officer.


Jeffrey P. Salvin
Hearing Officer
October 24, 2003

RECEIVED
OCT 28 2003
CONSUMER SERVICES
DEPARTMENT
DIRECTOR'S OFFICE

9



MEMORANDUM

Agenda Item No. 2(r)

TO: Honorable Mayor and Members
Board of County Commissioners

FROM: *Joaquin G. Avino*
Joaquin G. Avino, P.E., P.L.S.
County Manager

DATE: November 17, 1992

SUBJECT: Application for
Issuance of a
Certificate of
Transportation

RECOMMENDATION:

It is recommended that the Board, at the conclusion of the public hearing, consider the application of Excel Transportation, Inc., d/b/a Excel Jitney, Inc., and approve the certificate as requested.

BACKGROUND:

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the Passenger Motor Carrier Industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metropolitan Dade County in processing certificate applications. Based on these requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate or issue it with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate, and is able to comply with this article and regulation of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.
- (4) That, if applying for jitney or fixed route authority,

the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Metro-Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificate of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at frequencies of thirty (30) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

ANALYSIS:

Excel Transportation, Inc., d/b/a/ Excel Jitney, Inc., located at 1665 N.W. 121 Street, Miami, Florida 33167, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide jitney transportation service on a semi-fixed route as follows: Starting at the corner of N.E. 127th Street and N.E. 14th Avenue, west on N.E. 127th Street to N.E. 10th Avenue, north on N.E. 10th Avenue to N.E. 159th Street, west on N.E. 159th Street to N.W. 2nd Avenue, south on N.W. 2nd Avenue along the Memorial Highway corridor to North Miami Avenue, south on North Miami Avenue to N.W. 146 Street, west on N.W. 146 Street to N.W. 2nd Avenue, south on N.W. 2nd Avenue to N.W. 86 Street, west on N.W. 86 Street to N.W. 5 Avenue, north on N.W. 5 Avenue to N.W. 146 Street, east on N.W. 146 Street to North Miami Avenue and return. * Serves only in one direction from: N.W. 146 Street and 2nd, south to N.W. 86 Street and N.W. 2nd Avenue, and from N.W. 87 Street, N.W. 5 Avenue to N.W. 146 Street and N.W. 5 Avenue. Hours and days of operation are 7:00 a.m. to 9:00 p.m., seven days a week, using vehicles with a seating capacity of nine to fifteen (15) passengers excluding the driver, with rates at \$1.00 per person one-way.

The management plan submitted by the applicant indicates that the business facility includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation revealed no criminal record for the applicant.

A Metro Dade Transit Agency analysis shows little or no conflict with existing jitney services or duplication of Metrobus service. The MDTA analysis determined that the proposed route is in compliance with the criteria of Section 31-103(g)4 of the Metropolitan Dade County Code.

//

RESOLUTION NO. R-1304-92

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO EXCEL
TRANSPORTATION, INC. TO PROVIDE JITNEY
SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide Passenger Motor Carrier Services in Dade County, as recommended by the County Manager, be issued to Excel Transportation, Inc.

The foregoing resolution was offered by Commissioner Mary Collins, who moved its adoption, the motion was seconded by Commissioner Charles Dusseau and upon being put to a vote, the vote was as follows:

Mary Collins	aye
Charles Dusseau	aye
Joseph M. Gersten	absent
Larry Hawkins	aye
Alexander Penelas	aye
Harvey Ruvin	aye
Arthur E. Teele, Jr.	absent
Sherman S. Winn	absent
Stephen P. Clark	absent

The Mayor thereupon declared the resolution duly passed and adopted this 17th day of November, 1992.

Approved _____ Mayor

Agenda Item No. 5(S)
3-17-98

Veto _____

Override _____

RESOLUTION NO. R-259-98

RESOLUTION APPROVING MODIFICATION OF
CERTIFICATE OF TRANSPORTATION NO. 123 TO
EXCEL TRANSPORTATION D/B/A EXCEL JITNEY,
INC. TO PROVIDE JITNEY SERVICE AS A PASSENGER
MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a modification of Certificate of Transportation No. 123 to Excel Transportation d/b/a Excel Jitney, Inc. to provide jitney transportation service in Dade County as a Passenger Motor Carrier is approved. Said certificate shall be subject to revocation if there is failure, on the part of the operator, to operate the route in its entirety when jitney service is being provided.

The foregoing resolution was offered by Commissioner Pedro Reboredo, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Dr. Barbara M. Carey	nay
Miguel Diaz de la Portilla	aye	Betty T. Ferguson	aye
Bruce C. Kaplan	absent	Gwen Margolis	aye
Natacha Seijas Millan	aye	Jimmy L. Morales	absent
Dennis C. Moss	aye	Pedro Reboredo	aye
Dorrin D. Rolle	absent	Katy Sorenson	aye
Javier D. Souto			



MEMORANDUM

Agenda Item No. 5(S)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 17, 1998

FROM: Armando Vidal, P.E.
County Manager

SUBJECT: Amended Application by Excel
Transportation, Inc. for modification
of a Passenger Motor Carrier
Certificate of Transportation
(PMC Control No. 313)

RECOMMENDATION

It is recommended that the Board approve the application of Excel Transportation, Inc. d/b/a Excel Jitney, Inc. to modify and extend Passenger Motor Carrier Certificate of Transportation No. 123, authorized by R-1304-92, to provide jitney service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedures to be followed by Metro-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.
- (4) That, if applying for jitney or fixed route authority, the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Metro-Dade.

Transportation Plan. In particular, it shall be deemed not in the public interest to authorize a certificate of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at frequencies of thirty (30) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

ANALYSIS

Excel Transportation, Inc. d/b/a Excel Jitney, Inc., located at 1665 NW 121 Street, Miami, Florida 33167, seeks to modify Passenger Motor Carrier Certificate of Transportation No. 123 to provide expanded jitney transportation service. This is an existing route which has been operated by the applicant since approval was granted by the Board in 1992. The route modification, which is attached, eliminates some areas and extends service from NW 86 Street to downtown Miami. The total route will be 22 miles. The Metro-Dade Transit Agency (MDTA) analysis determined that the proposed route modification is in compliance with the criteria of Section 31-103 (g) (4) of the Metropolitan Dade County Code.

Transportation services will be provided using chauffeur driven vehicles with a seating capacity of at least nine (9) or more, but no more than 15 passengers, excluding the driver, between the hours of 7:00 a.m. and 9:00 p.m., seven days a week. The proposed rates are \$1.25 per person, one way. The management plan submitted by Mr. Yves Polynice, President of Excel Transportation, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal record for the applicant.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all existing PMC Certificate Holders and interested parties affording them an opportunity to protest the application. Five protests were filed by: Liberty City Jitney, Alphe Willingham, Dade Jitney, Alto Screen, and Ernest Johnson. The protesters allege conflict of the applicant's route with their existing jitney routes. Liberty City Jitney and Dade Jitney allege that the proposed route extension filed by Excel Transportation is within close proximity of their existing routes and that it effectively provides no new service for which a need has been identified.

Pursuant to the provisions of the Code, an administrative hearing was conducted during which the Hearing Examiner received comments from the above-named protesters. The Hearing Examiner recommended denial of the protest as indicated in the Hearing Examiner's report. Staff concurred with the recommendation of the Hearing Examiner and prepared the item for Commission consideration.

Subsequently, staff met with the applicant and the protesters to determine if the latter continued to have concerns regarding the applicant's route. The protesters requested that a revision be made in the downtown area of the proposed route. The applicant agreed and modified the route. MDTA determined that the modification is in compliance with the criteria of Section 31-103 (g) (4) of the Metropolitan Dade County Code. Because the applicant modified his route, the protesters agreed, in writing, to withdraw their protest of the application. A copy of the agreement is attached.

The applicant's citation history is concentrated in the period of March through December, 1993. There is no current citation history.

DIRECTIVES

No directives were received.

ARTICLE III. PASSENGER MOTOR
CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2-16 as Art. III, §§ 31-101-31-115, has been at the editor's discretion.

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Thursday, January 15, 2004, at 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving application of Excel Transportation, Inc. d/b/a Excel Jitney to modify Certificate of Transportation No. 123 to provide jitney service as a passenger motor carrier.

A person who decides to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at this hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

HARVEY RUVIN, CLERK

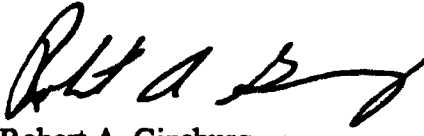
KAY SULLIVAN, DEPUTY CLERK



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** February 3, 2004
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING APPLICATION OF EXCEL
TRANSPORTATION, INC. D/B/A EXCEL JITNEY TO
MODIFY CERTIFICATE OF TRANSPORTATION NO. 123 TO
PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR
CARRIER.

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the application of Excel Transportation d/b/a Excel Jitney, Inc. to modify Certificate of Transportation No. 123 to provide jitney transportation service in Miami-Dade County as a Passenger Motor Carrier is approved. Said certificate shall be subject to revocation if there is failure, on the part of the operator, to operate the route in its entirety when jitney service is being provided.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Sen. Javier D. Souto

Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorrian D. Rolle
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. GKS

By: _____
Deputy Clerk